

## SUBJECT No. 12.

Abolition of capital punishment.

Mr. K. Chandrasekhariah, Bar Association, Mysore.

*Summary of discussion.*—Capital punishment may be abolished in the State.

*Mr. Venkatasamiah.*—Murders have not ceased in spite of capital punishment. People hesitate to give evidence for fear because they may thereby indirectly bring about the accused's death. True evidence will not thus be forthcoming. Therefore capital punishment should be abolished.

*Mr. G. Srinivasamurthi* spoke against the proposal.

*Reply of Government.*—Will not be removed.

## JUDICIAL.

(Nos. 13—39.)

## SUBJECT No. 13.

Amendment of the Civil Procedure Code.

Mr. G. Srinivasamurti, Alur Sub-Taluk.

*Summary of discussion.*—The execution of civil decrees on defendants sometimes involves frequent transfers of decrees to different jurisdictions when the defendant happens to be outside the jurisdiction of the court granting the decree. This procedure involves loss to the plaintiff and sometimes the decree becomes barred by limitation. The original court may be empowered to issue execution warrants on defendants wherever they may happen to be for the time being, as in the case of attachment of the pay of officials.

*Reply of Government.*—Not feasible.

## SUBJECT No. 14.

Separation of judicial and executive functions.

Messrs. Bhima Rao, Chamnagiri taluk; K. Shankaranarayana Rao, Shimoga taluk; Siddappa, Ramanna, Shankarappa and K. Channakesaviah, Tirthahalli taluk; B. Narasinga Rao, Seringapatam taluk; Padmanna, Chandrasekhariah and K. Venkatasamiah, Nanjangud taluk; Srinivasachar, T. Narsipur taluk; A. R. Nageswara Iyer, Law Association, Bangalore; B. Gundu Rao, D. Srikanta Rao and Gurunanja Wadiyar, Devanahalli taluk and M. Subbasetti, Devanahalli Municipality; B. Srinivasengar, Anekal taluk; and K. Ramanna, Hole-Narsipur taluk.

*Summary of discussion.*—I. Amildars may have no magisterial functions for the undermentioned reasons:—

- (i) There is considerable increase of work in recent years.
- (ii) They are important Police functionaries.
- (iii) They will find more time for touring and to devote attention to questions relating to the material advancement of the people.
- (iv) Popular confidence in the administration of criminal justice will increase.
- (v) Excessive cost may be avoided by investing the Taluk Sheristedars and selected Sub-Registrars with magisterial powers.

II. Generally, the judicial may be separated from the executive functions. As a beginning, the following measures may be adopted with a view to avoid excessive cost:—

- (a) Sub-Judges and Munsiffs may be invested with magisterial functions, their number being increased, if necessary.
- (b) In every district, appeals from the orders and sentences passed by magistrates who are also executive